

OGC 70-0130

26 January 1970

MEMORANDUM FOR: Director of Security

ATTENTION: [REDACTED]

25X1

SUBJECT:

[REDACTED] Employees' Appointment Affidavits

1. I have reviewed the memorandum opinion of the United States District Court for the District of Columbia in the case of Roma Stewart v. Walter E. Washington, et al, dated June 4, 1969, which opinion concluded that the defendants, Walter E. Washington, et al (the District of Columbia Public School System) be enjoined from requiring plaintiff to sign an affidavit as a prerequisite to accepting a position as a substitute teacher. Based on this court decision, the Civil Service Commission issued FPM Letter No. 295-2, dated September 29, 1969, citing Stewart v. Washington and advising heads of departments and independent establishments that until such time as CSC Standard Form 61 is revised, the Civil Service Commission will consider that Affidavit B (Affidavit as to Subversive Activity and Affiliation) will be considered as not having been executed.

2. It is my opinion the Agency should follow the Civil Service directive with regard to new employees signing Form 61, and not make any issue of the fact that the statute under which the affidavit has been prepared has been determined to be unconstitutionally vague, so that from a practical standpoint new employees need not be apprised of this change. In the event any new employees raise a question, they may "X" out the affidavit without affecting their employment status.

[REDACTED] 25X1

Assistant General Counsel

OGC:JKG:bt

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✓1 - ~~SECRET~~ subj file STAFF EMPLOYEE

1 - JKG signer